

TAB

6 August 1955

MEMORANDUM FOR: Chief, Regulations Control Staff

SUBJECT

Use of Funds of Other Agencies

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1. This Office wishes to raise several questions on the proposed regulation. Unfortunately [redacted] of the Comptroller's Office, designated as contact on this regulation, is on leave and will not return until after the deadline date that has been set for the submission of concurrences, so it has not been possible to discuss these questions with him.

2. It is the position of this Office that field regulations should generally differ in their text from corresponding headquarters regulations only for two reasons: (a) because a textual emendation is necessary for the sake of security, such as the insertion of cryptonyms and pseudonyms in place of real names and (b) where the regulation sets forth the mechanics of implementation and the action required of the field is substantially different from that required at headquarters. In the instant regulation there are a number of purely gratuitous changes of text which, although they may result in a clearer phrasing, should not, in our opinion, be included in the field regulation unless the headquarters regulation is correspondingly modified. Every paragraph of the headquarters regulation which has been incorporated into the field regulation has been substantially changed. The most significant of these changes will be apparent in comparing paragraph 2-d of the headquarters regulation with paragraph 2-e of the proposed field regulation. The positions expressed are inconsistent and a policy determination should be made as to which is the correct form. The other variances, although less dramatic, could lead to misinterpretation.

3. Paragraph 2-c of the proposed field regulation seems inconsistent with usual command relationships. Although the headquarters regulation requires that the concurrence of the Comptroller be obtained prior to submission of any plan to the Director for determination, there are numerous operating officials below this level who must concur in and approve the feasibility of the plan before it will be referred to the Director. Since field personnel working from the proposed regulation will not have the headquarters regulation available, they could well conclude from the field regulation as proposed that the "headquarters approval" required by the regulation is the approval of the Comptroller. It appears to us that a field plan of the type discussed should be submitted by the Chief of Station or Base in the same way that he submits other proposals for

approval - generally such submission would be in the first instance to the operating division. Because the Comptroller may eventually be called upon to provide a concurrence it would certainly be suitable to provide that a copy should be marked for his attention.

4. Subject to the above reservations this Office concurs in the proposed regulation. We recommend authentication by the Deputy Director (Plans), since this is a field regulation.

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Office of General Counsel

OGC:RFB:ss

Distribution

Subject

Signer

Chrono

Orig. & 1 - addressee